

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

LEVI WHITE)	
)	
Plaintiff,)	NOTICE OF REMOVAL
v.)	
)	
CREDIT CONTROL SERVICES, INC.)	
)	
Defendant.)	
)	

DEFENDANT'S NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA, AUGUSTA DIVISION, and

Levi White
nazinga58@yahoo.com
2225 Morningside Drive
Augusta, GA 30904
Phone: Day: (706)294-8822

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. Section 1446(a) and (b), the Defendant Credit Control Services, Inc. hereby removes this case to the United States District Court for the Southern District of Georgia, Augusta Division based on the following grounds:

1. This action is removable to the United States District Court under 28 U.S.C. Sections 1331 and 1441 on the grounds of federal question jurisdiction, in that the complaint purports to allege a cause of action under the Telephone Consumer Protection Act, 47 U.S.C. §227, *et seq.*

2. Pursuant to 28 U.S.C. Section 1446(b), this Notice of Removal is filed within thirty days after Defendant's receipt of the initial pleadings setting forth the claim for relief upon which this action is based.

3. Pursuant to 28 U.S.C. § 1446(a), attached hereto as Exhibit "A" are copies of the following documents, which are all the process, pleadings and orders received by one or more Defendants in this action, to wit: Plaintiff's Complaint.

4. Upon receipt of this Notice, no further action shall be taken in the Magistrate Court of Richmond County.

5. By filing this Notice of Removal, the Defendant demonstrates its consent to the removal of the case to this Court.

Respectfully submitted this 30th day of December, 2014.

BEDARD LAW GROUP, P.C.,

/s/ John H. Bedard, Jr.
John H. Bedard, Jr.
Georgia Bar No. 043473

2810 Peachtree Industrial Blvd.
Suite D
Duluth, Georgia 30097
Phone: (678) 253-1871
jbedard@bedardlawgroup.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

LEVI WHITE)	
)	
Plaintiff,)	NOTICE OF REMOVAL
vs.)	
)	
CREDIT CONTROL SERVICES, INC.)	
)	
Defendant.)	
)	

CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the within and foregoing Defendant Credit Control Services, Inc. Notice of Removal in the United States District Court for the Southern District of Georgia, Augusta Division by depositing a copy of the same in the United States Mail in a properly addressed envelope with adequate postage thereon to:

Levi White
2225 Morningside Drive
Augusta, GA 30904

Respectfully submitted this 30th day of December, 2014.

BEDARD LAW GROUP, P.C.,

/s/John H. Bedard, Jr.
John H. Bedard, Jr.
Georgia Bar No. 043473

EXHIBIT

“A”

IN THE MAGISTRATE COURT OF RICHMOND COUNTY
STATE OF GEORGIA

LEVI T. WHITE
PLAINTIFF

Case No 116511

VS

CREDIT CONTROL SERVICES INC

Defendant

A TRUE COPY ATTEST



Process Server & Disinterested Person

12/1/14

VERIFIED COMPLAINT

**ORIGINAL COMPLAINT FOR VIOLATION OF THE
TELEPHONE CONSUMER PROTECTION ACT (TCPA)**

JURISDICTION

1. This court has jurisdiction un 47 U.S.C. § 227 (b)(3)
2. All conditions precedent to the bringing of this action have been performed.

PARTIES

3. The Plaintiff in this lawsuit is Levi T. White, a natural person who resides in Richmond County, Georgia.
4. The Defendant in this lawsuit is **CREDIT CONTROL SERVICES INC** an unknown entity with offices at 2 WELLS AVE NEWTON MA 02459, operating as a collection agency, and is a "debt collector".

VENUE

5. The occurrences which give rise to this action occurred in Richmond county, Georgia and Plaintiff resides in Richmond county, Georgia.

6. Venue is proper.

GENERAL ALLEGATIONS

7. From MAY 21 2014 to July 2 2014 CREDIT CONTROL SERVICES INC called Plaintiff's wireless phone number 1-404-825-6604 from 1-617-581-1051 which is a number known to be used by CREDIT CONTROL SERVICES INC in its debt collection operations. SEE EXHIBIT A

1. Defendant has demonstrated willful or knowing non-compliance with 47 U.S.C. §227(b)(1)(A)(iii) by calling the Plaintiff's phone number, which is assigned to a cellular telephone service contrary 47 U.S.C. §227(b)(1)(A)(iii) which states in part;

(1) PROHIBITIONS.—it shall be unlawful for any person within the United States, or any person outside the United States if the recipient is within the United States—

(A) to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using any automatic telephone dialing system or an artificial or prerecorded voice—

(iii) to any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call;

8. Plaintiff sent a notice of Pending Lawsuit, on OCTOBER 7, 2014 by certified mail, #7014 1200 0001 5018 3254 to CREDIT CONTROL SERVICES INC of their violation of the TCPA in an effort to mitigate damages and reach a settlement for their violation. Defendant did not response to his correspondence.

9. Plaintiff also visited the Public Utility commission of Texas website; and discovered that Defendant **CREDIT CONTROL SERVICES INC** has a permit to use and Automatic Dial Announcing Device (ADAD), which is a mechanism that sends recorded messages

EXHIBIT 1

10. The call made by **CREDIT CONTROL SERVICES INC** was made with a automatic telephone dialing system (ATDS) to Plaintiff wireless phone.

11. **CREDIT CONTROL SERVICES INC** made the call to Plaintiff wireless phone using ATDS equipment without consent, express or otherwise, from Plaintiff to do so.

12. The call made to Plaintiff wireless phone were not for an emergency purpose and were made without the express consent of the Plaintiff having been given at any time.

13. **CREDIT CONTROL SERVICES INC** called at a time that was inconvenient and when the Plaintiff answered the phone there was no live person on the line and no message was left.

VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT (TCPA)

47 U.S.C. § 227

14. Paragraphs 1 through 13 are re-alleged as though fully set forth herein.

15. Plaintiff brings this action pursuant to 47 U.S.C. § 227(b)(1)(A)(3):

16. On MAY 21, 2014 at 8:24 AM, **CREDIT CONTROL SERVICES INC** called Plaintiff's number 1-404-825-6604 from 1-617-581-1051 using an automatic telephone dialing system without Plaintiff's prior express consent. EXHIBIT A

17. The caller failed to disclose the identity of the caller or purpose of its call.

18. On MAY 21, 2014 at 5:23 PM, CREDIT CONTROL SERVICES INC called Plaintiff's number 1-404-825-6604 from 1-617-581-1051 using an automatic telephone dialing system without Plaintiff's prior express consent. EXHIBIT A

19. The caller failed to disclose the identity of the caller or purpose of its call.

20. On JUNE 11, 2014 at 2:15 PM CREDIT CONTROL SERVICES INC called Plaintiff's number 1-404-825-6604 from 1-617-581-1051 using an automatic telephone dialing system without Plaintiff's prior express consent. EXHIBIT A

21. The caller failed to disclose the identity of the caller or purpose of its call.

22. On JULY 2, 2014 at 1:11 PM CREDIT CONTROL SERVICES INC called Plaintiff's number 1-404-825-6604 from 1-617-581-1051 using an automatic telephone dialing system without Plaintiff's prior express consent. EXHIBIT A

23. The caller failed to disclose the identity of the caller or purpose of its call.

COUNT 1

VIOLATIONS OF THE TCPA 47 U.S.C. § 227(B)(1)(A)(3)

24. Plaintiff repeats and re-alleges each and every allegation stated above.
25. Defendant's aforementioned conduct violated the TCPA, 47 U.S.C. § 227.

WHEREFORE, Plaintiff prays for relief and judgment as follows:

- a. Adjudging that Defendant violated the TCPA, 47 U.S.C. § 227
- b. Awarding Plaintiff statutory damages, pursuant to 47 U.S.C. § 227(B)(3)(B); Plaintiff is entitled to statutory damages under TCPA

of not less than \$500.00 per phone call made to Plaintiff.

Defendant **CREDIT CONTROL SERVICES INC** has demonstrated willful or knowing non-compliance with 47 U.S.C. § 227(b) (1) (A) by using an automatic telephone dialing system to call the Plaintiff's number which is assigned to a cellular phone.

Defendant **CREDIT CONTROL SERVICES INC** has demonstrated willful knowing non-compliance with 47 U.S.C. § 227(b) (1) (A) the second call is subject to treble damages pursuant to 47 U.S.C. § 227(b) (3). as it was intentional. An unintentional call carries a damage amount of \$500.00. An intentional call carries a damage of \$1500.00 per violation.

- c. Awarding Plaintiff any attorney's fees and costs incurred in this action.
- d. Awarding Plaintiff post-judgment interest as may be allowed under the law.
- e. Awarding such other and further relief as the Court may deem just and proper.

Dated: November 25 2014

Respectfully Submitted

Levi T. White
2225Morningside Dr.
Augusta Georgia 30904
nazinga58@yahoo.com

Service to:

CREDIT CONTROL SERVICES INC
REGISTERED AGENT SOLUTIONS INC.
10 MILK STREET STE 1005
BOSTON MA 02108

VERIFICATION

I, Levi T. White, have read the foregoing complaint and examined any appendices referenced therein. The facts stated in the complaint are true. The appendices are true and fair copies of the recited instruments.

Levi T White

Levi T White

11/25/2014

date signed

The above named Affiant appeared before me, a Notary, subscribed, sworn

under oath this 25th day of November, 2014.

Taylor Sutton

Notary

My commission expires: 02/26/2018

seal

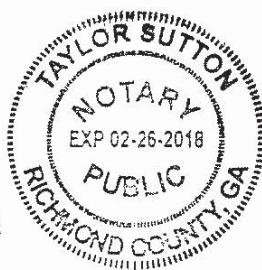


EXHIBIT A



Public Utility Commission of Texas

ADAD Report

CREDIT CONTROL SERVICES INC

Permit No: 070110

Type: ADAD

Permit Approved Date: 12/6/2005

Date Last Renewed: 3/5/2014

A Names

EDIT COLLECTION SERVICES

Contact Information

Company / Physical (Mailing Address)
CREDIT CONTROL SERVICES INC
STEVEN SANDS
PRESIDENT
TWO WELLS AVE
NEWTON,MA 02459
Web: www.ccsusa.com
Email: gprilutsky@ccsusa.com
Phone: 617-965-2000
Toll Free: 800-227-4356
Fax: 617-762-3349

ADAD Physical Address
CREDIT CONTROL SERVICES
STEVEN SANDS
175 COMMERCE WAY
PORTSMOUTH,NH 03801
Email: gprilutsky@ccsusa.com
Phone: 617-965-2000
Fax: 617-762-3349

ADAD Physical Address
CREDIT CONTROL SERVICES INC
DAVID SANDS
175 COMMERCE WAY
PORTSMOUTH,NH 03801
Web: www.ccsusa.com
Phone: 617-965-2000
Fax: 617-762-3035

ADAD Physical Address
CREDIT CONTROL SERVICES
STEVEN SANDS
TWO WELLS AVENUE
NEWTON,MA 02459
Email: gprilutsky@ccsusa.com
Phone: 617-965-2000
Fax: 617-762-3349

ports

2013
ADAD Annual Report

2012
ADAD Annual Report

Submitted: 11/6/2013
Approved: 11/19/2013

2011 ADAD Annual Report

Submitted: 11/2/2011

Approved: 11/15/2011

2009 ADAD Annual Report

Submitted: 11/6/2009

Approved: 11/18/2009

2007 ADAD Annual Report

Submitted: 11/21/2007

Approved: 11/29/2007

Submitted: 11/13/2012
Approved: 11/19/2012

2010 ADAD Annual Report

Submitted: 11/8/2010

Approved: 11/18/2010

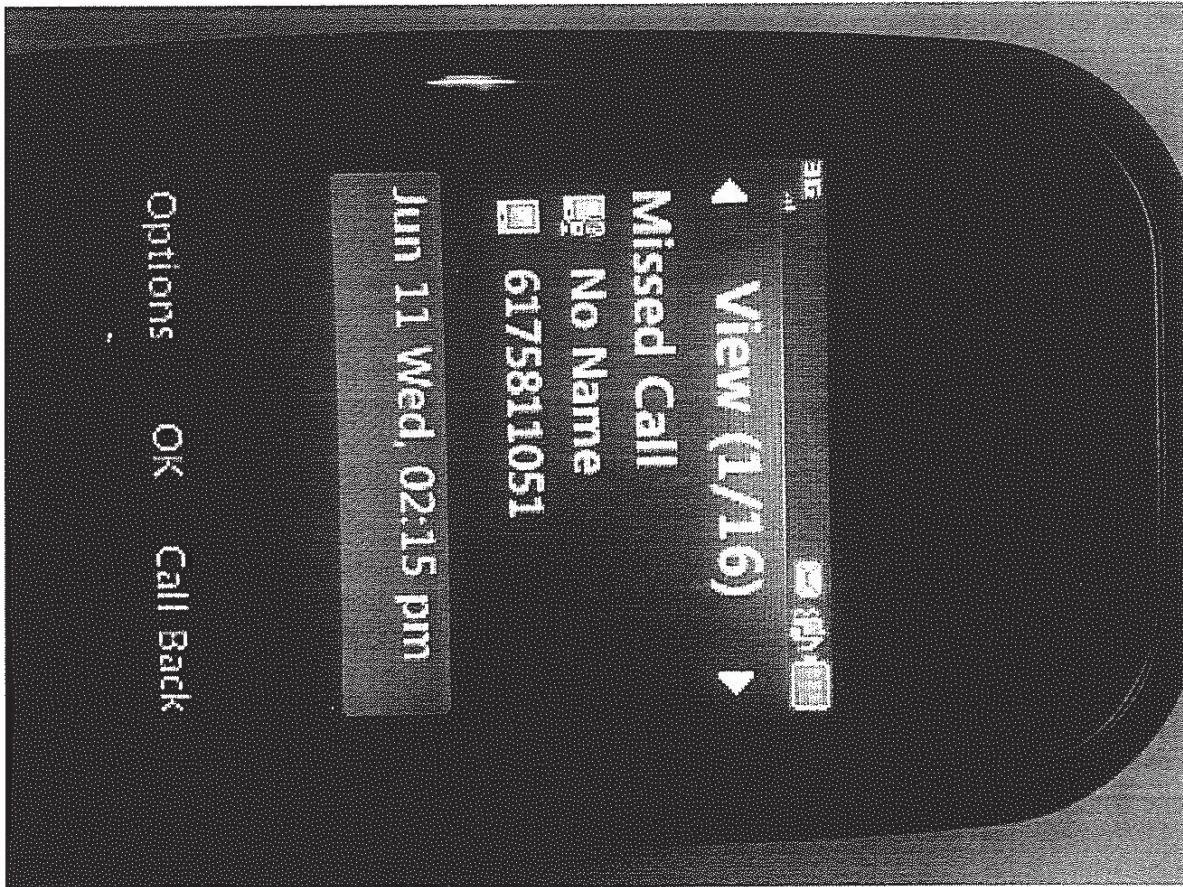
2008 ADAD Annual Report

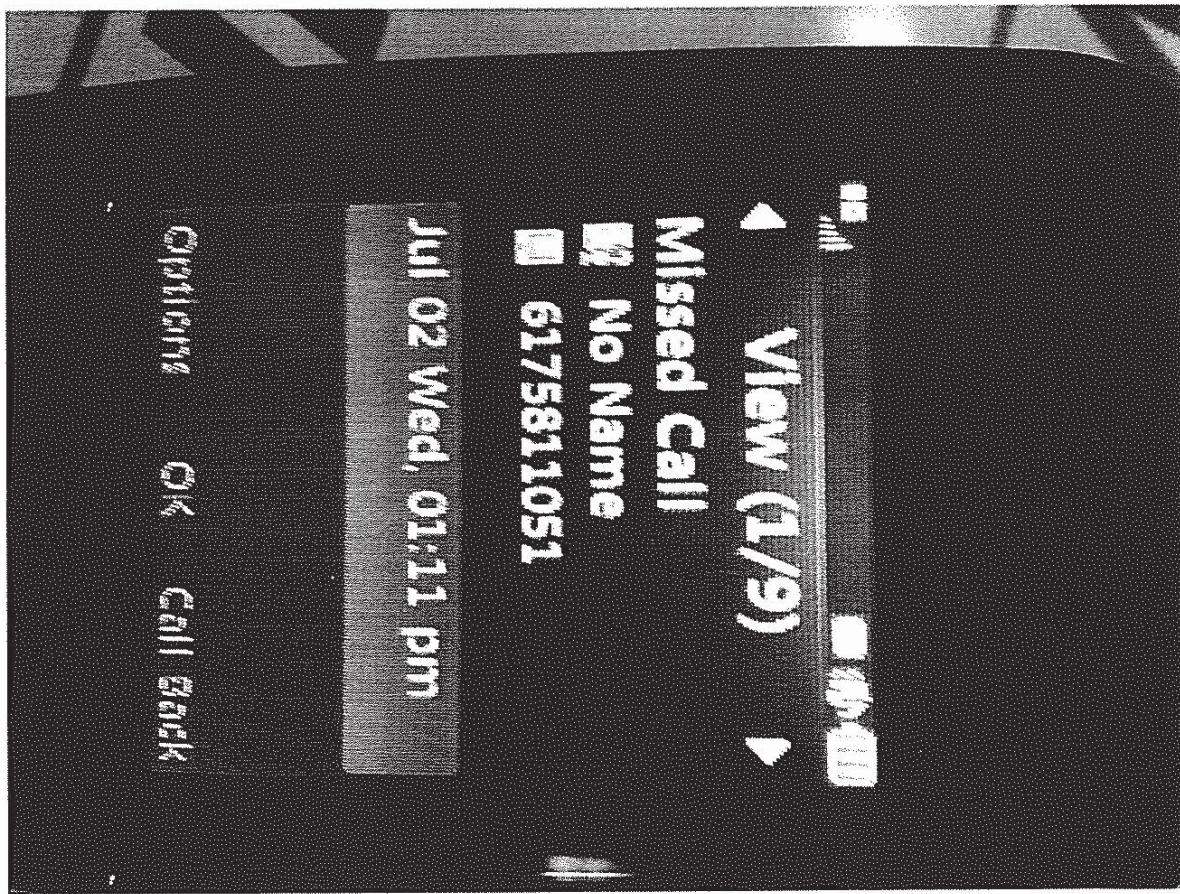
Submitted: 11/6/2008

Approved: 12/5/2008

End Report







IN THE MAGISTRATE COURT OF RICHMOND COUNTY
STATE OF GEORGIALevi White

PLAINTIFF

2225 Morningside Dr.

ADDRESS

Augusta GA 30904

vs.

Credit Control Services Inc

DEFENDANT

Two Wells Ave

ADDRESS

Newton MA 02459

CASE NUMBER

#16511

2014 NOV 25 PM 2:59

STATEMENT OF CLAIM

The above-named Defendant(s) Credit Control Services Inc is/are subject to the jurisdiction of this court and reside(s) at Two Wells Ave Newton MA 02459, Richmond County, Georgia. Defendant is indebted to the Plaintiff in the amount of \$ 5,000.00.

The Plaintiff's claim against the Defendant is based upon the following:

Defendant violated the Telephone Consumer Protection Act (TCPA) By Calling The Plaintiff cellular phone 4 times without Express Consent. Defendant use ATDS Equipment That has The Capacity To STORE or produce Telephone Number To be called using a random or sequential number generator. Violation of 47 U.S.C. § 227, Cell # 404-825-6604, CCS Number 617-581-1051

Wherefore, Plaintiff demands judgment against the Defendant for the sum of

plus costs.

VERIFICATION

Georgia, Richmond County

Levi White being duly sworn on oath, says the foregoing is a just and true statement of the amount owing by the Defendant to Plaintiff, exclusive of all set-offs and just grounds of defense.

Sworn to and subscribed before me,

This 25, day of Nov. 2014
Jennifer Wooten
 Deputy Clerk/Notary Public

Levi White
 Plaintiff(s) or Agent

NOTICE AND SUMMON(S)
 to Credit Control SERVICES INC. DEFENDANT(S)

Two Wells Ave NEWTON MA 02459 ADDRESS

You are hereby notified that Levi White has made a claim and is demanding against you for the sum of FIVE Thousand dollars (\$ 5,000.00), as shown by the foregoing statement. The Court will hold a hearing upon this claim at the Augusta-Richmond County Judicial Center, 735 James Brown Blvd., Augusta, GA 30901, at a time to be set when your answer is filed.

You are required to file or present an answer to this claim within 30 days after service of this claim upon you. Your answer may be filed in writing or may be given orally to the Clerk.

If you wish to have witnesses summoned, see the Clerk's Office at once for assistance.

If you have any claim against the Plaintiff, it should be presented at the time you file your answer to this complaint.

If you admit the claim, but desire additional time to pay, you must come to the hearing in person and state the circumstances to the Court.

You may come with or without an attorney.

Jennifer Wooten
 Deputy Clerk, Magistrate Court, Richmond County